

Appointment

From: Angle, Stephen [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=5c42e80d26f24e60ba0eaf4d2b1605a8-Angle, Step]
Sent: 5/19/2021 3:56:19 PM
To: Mullenix, Justin [Mullenix.Justin@epa.gov]

Subject: Accepted: Verataur / Maverick Intl Records Consolidation (FOIA request)
Location: Microsoft Teams Meeting

Start: 5/24/2021 4:30:00 PM
End: 5/24/2021 5:00:00 PM
Show Time As: Busy

Message

From: Angle, Stephen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5C42E80D26F24E60BA0EAF4D2B1605A8-ANGLE, STEP]
Sent: 4/20/2021 9:05:25 PM
To: Luschek, Robert [Luschek.Robert@epa.gov]
Subject: FW: EPA Region 6 Advisory Letter to HEB
Attachments: HEB Advisory Letter.pdf

From: Pittman, Lawrence <Pittman.Lawrence@epa.gov>
Sent: Friday, April 2, 2021 12:55 PM
To: Schiffmacher, Karen <schiffmacher.karen@heb.com>; Heath, Jennifer <heath.jennifer@heb.com>
Cc: Angle, Stephen <Angle.Stephen@epa.gov>; McMillan, Lee <mcmillan.lee@epa.gov>
Subject: EPA Region 6 Advisory Letter to HEB

Dear Mrs. Heath and Mrs. Schiffmacher,

The United States Environmental Protection Agency (EPA) is issuing the attached Advisory Letter to HEB, based on information discovered in conjunction with the BioErase AntiMicrobial SurfaceWipes investigation. This Advisory Letter responds to the marketing of the unregistered product.

If you have any questions, please feel free to reach out to me at 214-665 8381, or Mr. Lee McMillan the EPA enforcement officer assigned to this case at 214-665-6404.

Thank you!

Sincerely,

--

Lawrence Pittman
Assistant Regional Counsel, RCRA & Toxics Enforcement Branch
Office of Regional Counsel (ORC-ER)
U.S. Environmental Protection Agency, Region 6
1201 Elm St., Suite 500 (ORCER)
Dallas, TX 75270
(214) 665-8381
Pittman.Lawrence@epa.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

March 31, 2021

Via Electronic Mail:

Schiffmacher.karen@heb.com

Heath.jennifer@heb.com

Karen Schiffmacher
HEB
646 S Flores
San Antonio, TX. 78204

Re: Advisory Letter – HEB

Dear Ms. Schiffmacher:

The United States Environmental Protection Agency is issuing this advisory letter to HEB concerning the advertising and marketing information located on the website, <https://www.heb.com/product-detail/bioerase-antimicrobial-surface-wipes/4235007>. This advisory addresses claims made relating to pests, including bacteria and viruses, for the pesticidal product BioErase Antimicrobial Surface Wipes (Unregistered Product – No EPA Registration Number), and the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

On March 19, 2021, the EPA spoke with representatives of HEB regarding claims made on the website for BioErase Antimicrobial Surface Wipes. At the time of EPA's communication with HEB, claims were made on the website that the product, "BioErase Antimicrobial Surface Wipes is a broad-spectrum antimicrobial cleaner to kill bacteria and viruses." At the time of the EPA's communication with HEB, the product BioErase Antimicrobial Surface Wipes was not registered pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a.

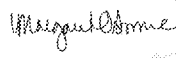
As the EPA discussed with Company representatives, the distribution or sale of an unregistered pesticide may constitute a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

Thank you for HEB's immediate attention to remove any potentially violative claims from the website, and any advertisement until such time the product can be registered with the EPA pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a. Should you need any additional information, please reference the EPA Coronavirus Disease (COVID-19) webpage at <https://www.epa.gov/coronavirus>.

Please note that this Advisory Letter does not limit or preclude the EPA's ability to take additional enforcement action authorized pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), including penalties of up to \$20,228 per violation.

If you have any questions concerning this Advisory Letter, please contact Lawrence Pittman with the Office of Regional Counsel, at (214) 665-8381, or Pittman.Lawrence@epa.gov, or Lee McMillan at (214) 665-6404, or mcmillan.lee@epa.gov. Thank you for your cooperation in this matter.

Sincerely,

 Digitally signed by
MARGARET
OSBOURNE
Date: 2021.03.31
17:11:06 -05'00'

Margaret E. Osbourne, Chief
Waste Enforcement Branch

Appointment

From: Mullenix, Justin [Mullenix.Justin@epa.gov]
Sent: 5/19/2021 2:35:23 PM
To: McMillan, Lee [mcmillan.lee@epa.gov]; Angle, Stephen [Angle.Stephen@epa.gov]; Pittman, Lawrence [Pittman.Lawrence@epa.gov]
CC: McPherson, Kenneth [McPherson.Kenneth@epa.gov]

Subject: Verataur / Maverick Intl Records Consolidation (FOIA request)
Location: Microsoft Teams Meeting

Start: 5/20/2021 2:00:00 PM
End: 5/20/2021 2:30:00 PM
Show Time As: Tentative

Required Attendees: McMillan, Lee; Angle, Stephen; Pittman, Lawrence
Optional Attendees: McPherson, Kenneth

Microsoft Teams meeting

Join on your computer or mobile app

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[+1 470-705-2279,520575777#](#) United States, Atlanta

Phone Conference ID: 520 575 777#

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Message

From: McPherson, Kenneth [McPherson.Kenneth@epa.gov]
Sent: 5/19/2021 4:11:15 PM
To: Mullenix, Justin [Mullenix.Justin@epa.gov]
CC: McMillan, Lee [mcmillan.lee@epa.gov]; Angle, Stephen [Angle.Stephen@epa.gov]; Pittman, Lawrence [Pittman.Lawrence@epa.gov]
Subject: RE: Verataur / Maverick Intl Records Consolidation (FOIA request)

Thanks. Ken

Kenneth R. McPherson

Regional Coordinator, Integrated Pest Management
US EPA Region 6 (Southcentral)
1201 Elm Street, Suite 500 | Dallas, TX 75270-2102 | 214.665.6754

From: Mullenix, Justin <Mullenix.Justin@epa.gov>
Sent: Wednesday, May 19, 2021 10:19 AM
To: McPherson, Kenneth <McPherson.Kenneth@epa.gov>
Cc: McMillan, Lee <mcmillan.lee@epa.gov>; Angle, Stephen <Angle.Stephen@epa.gov>; Pittman, Lawrence <Pittman.Lawrence@epa.gov>
Subject: RE: Verataur / Maverick Intl Records Consolidation (FOIA request)

No problem Ken. Unless you feel otherwise, I think your presence is optional for this quick meeting. Once we get these records consolidated, we can relay the information to you.

-----Original Appointment-----

From: McPherson, Kenneth <McPherson.Kenneth@epa.gov>
Sent: Wednesday, May 19, 2021 9:39 AM
To: Mullenix, Justin
Subject: New Time Proposed: Verataur / Maverick Intl Records Consolidation (FOIA request)
When: Thursday, May 20, 2021 9:00 AM-9:30 AM (UTC-06:00) Central Time (US & Canada).
Where: Microsoft Teams Meeting

Justin, I have an interview at 10 am that I will be getting ready for. If this is the only time that works, I can try and work it out, but I was hoping to keep the morning open. Ken

Message

From: McMillan, Lee [mcmillan.lee@epa.gov]
Sent: 5/24/2021 4:47:41 PM
To: Mullenix, Justin [Mullenix.Justin@epa.gov]; Pittman, Lawrence [Pittman.Lawrence@epa.gov]; Angle, Stephen [Angle.Stephen@epa.gov]; Stuckey, Troy [Stuckey.Troy@epa.gov]
Subject: McMillan, Lee shared the folder "FOIA Maverick Verataur" with you.



McMillan, Lee shared a folder with you

This folder is being created for consolidation of files for this Maverick/Verataur FOIA Request.



FOIA Maverick Verataur



This link only works for the direct recipients of this message.

Open

ATTENTION:Please check the 'Last Update' date on the federal and state data. Due to the social distancing and remote work going on around the country, we expect delays in getting the most up to date data. We want everyone to stay safe out there whether it is from COVID-19 or using unregistered pesticides. If you have questions about the data displayed, please contact the US EPA or the individual state pesticide registration department. We will be working hard to keep these websites available. If you have website issues, the best way to contact us is by email at: npirs@ceris.purdue.edu.

Company Information

Company Name Keyword: Verataur, LLC Number of Companies: 1

Company Number: 99213

VERATAUR

602 VORTEX DR.

NEW IBERIA LA 70560

337/492-0300

No federally active products are registered by this company.

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Message

From: Pittman, Lawrence [Pittman.Lawrence@epa.gov]
Sent: 3/2/2021 6:37:15 PM
To: McMillan, Lee [mcmillan.lee@epa.gov]; Angle, Stephen [Angle.Stephen@epa.gov]
Subject: RE: Verataur, LLC Question

That sounds correct. Advisory Letters for HEB & Maverick International.

Josh Savant was the Owner and Gene Barber was the Operator as I have notated from the meeting. We did not get more titles than that.

Sorry gents. I have been tied up with helping with interviews most of the day.

Lawrence Pittman
Assistant Regional Counsel, RCRA & Toxics Enforcement Branch
Office of Regional Counsel (ORC-ER)
U.S. Environmental Protection Agency, Region 6
1201 Elm St., Suite 500 (ORCER)
Dallas, TX 75270
(214) 665-8381
Pittman.Lawrence@epa.gov

From: McMillan, Lee <mcmillan.lee@epa.gov>
Sent: Tuesday, March 2, 2021 10:09 AM
To: Angle, Stephen <Angle.Stephen@epa.gov>; Pittman, Lawrence <Pittman.Lawrence@epa.gov>
Subject: RE: Verataur, LLC Question

Okay. Thank you.

Lee V. McMillan
U.S. EPA - Region 6
Dallas, TX 75270-2162
PH: (214) 665-6404
Email: mcmillan.lee@epa.gov

From: Angle, Stephen <Angle.Stephen@epa.gov>
Sent: Tuesday, March 2, 2021 09:45 AM
To: McMillan, Lee <mcmillan.lee@epa.gov>; Pittman, Lawrence <Pittman.Lawrence@epa.gov>
Subject: RE: Verataur, LLC Question

From where we left it at the meeting, I was under the impression that we were issuing Advisory Letters to Maverick Intl. and H-E-B, but not Verataur.

Thanks,

Stephen Angle
Physical Scientist, Pesticides and Toxics Section
U.S. Environmental Protection Agency Region 6
(214) 665 - 7369

From: McMillan, Lee <mcmillan.lee@epa.gov>
Sent: Tuesday, March 2, 2021 8:45 AM
To: Angle, Stephen <Angle.Stephen@epa.gov>; Pittman, Lawrence <Pittman.Lawrence@epa.gov>
Subject: RE: Verataur, LLC Question

Also, you are sending out a Advisory Letter to memorialize your last conversation before we send out this information request letter and get the ball rolling on the SSURO and CAFO, correct? Let me know guys. Thanks.

Lee V. McMillan
U.S. EPA - Region 6
Dallas, TX 75270-2162
PH: (214) 665-6404
Email: mcmillan.lee@epa.gov

From: Angle, Stephen <Angle.Stephen@epa.gov>
Sent: Tuesday, March 2, 2021 08:42 AM
To: McMillan, Lee <mcmillan.lee@epa.gov>; Pittman, Lawrence <Pittman.Lawrence@epa.gov>
Subject: RE: Verataur, LLC Question

Lee,

I don't remember their official titles, but from what I remember Josh Savant owns the company, but Gene Garber handles more of the day-to-day operations. Mr. Garber answered our questions on the call and sent the follow up email after. Lawrence, do you remember what the titles were?

Thanks,

Stephen Angle
Physical Scientist, Pesticides and Toxics Section
U.S. Environmental Protection Agency Region 6
(214) 665 - 7369

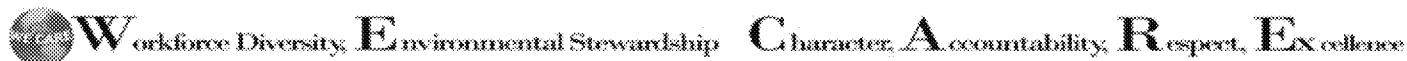
From: McMillan, Lee <mcmillan.lee@epa.gov>
Sent: Tuesday, March 2, 2021 8:22 AM
To: Angle, Stephen <Angle.Stephen@epa.gov>
Subject: Verataur, LLC Question

Stephen,

I'm reading through your record of communication. Thanks by the ways. Who are these individuals , Mr. Josh Savant and Mr. Gene Garber, and what is their title and or function with the company?

Lee V. McMillan
Environmental Engineer
U.S. Environmental Protection Agency - Region 6
Enforcement and Compliance Assurance Division
Toxics Enforcement Section (ECDST) -7844
1201 Elm Street, Suite 500

Dallas, TX 75270-2162
PH: (214) 665-6404
Fax: (214) 665-8505
Email: mcmillan.lee@epa.gov



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Message

From: Pittman, Lawrence [Pittman.Lawrence@epa.gov]
Sent: 3/15/2021 11:16:10 PM
To: Angle, Stephen [Angle.Stephen@epa.gov]
Subject: RE: Recent Inquiry

My calendar is up to date Stephen. I would suggest Friday morning sometime.

Thanks!

Sincerely,

--

Lawrence Pittman
Assistant Regional Counsel, RCRA & Toxics Enforcement Branch
Office of Regional Counsel (ORC-ER)
U.S. Environmental Protection Agency, Region 6
1201 Elm St., Suite 500 (ORCER)
Dallas, TX 75270
(214) 665-8381
Pittman.Lawrence@epa.gov

From: Angle, Stephen <Angle.Stephen@epa.gov>
Sent: Monday, March 15, 2021 5:47 PM
To: Pittman, Lawrence <Pittman.Lawrence@epa.gov>
Subject: FW: Recent Inquiry

Hey Lawrence,

When would work for you for a call with H-E-B?

Thanks,

Stephen Angle
Physical Scientist, Pesticides and Toxics Section
U.S. Environmental Protection Agency Region 6
(214) 665 - 7369

From: Schiffmacher, Karen <schiffmacher.karen@heb.com>
Sent: Monday, March 15, 2021 9:43 AM
To: Angle, Stephen <Angle.Stephen@epa.gov>
Subject: Recent Inquiry

Good Morning Stephen. I am contacting you in regards to the below.

Case Comments: EPA Region 6 has concerns about the BioErase antimicrobial product listed for sale on the H-E-B website. At your earliest convenience, please email Angle.Stephen@epa.gov to set up a time to discuss further. Thank you.

Please let me know when you are available to discuss or you can reach me by cell at 210/386-7879.

Karen Schiffmacher
Grocery Procurement
Cleaning and Laundry
Navy 3
210-938-8273

Message

From: Schiffmacher, Karen [schiffmacher.karen@heb.com]
Sent: 3/16/2021 4:03:53 PM
To: Angle, Stephen [Angle.Stephen@epa.gov]
Subject: Re: Recent Inquiry

10 and Teams both work! I will send over an invite.

Karen Schiffmacher
Business Development Manager
Cleaning and Laundry
210/938-8273

On Mar 16, 2021, at 11:53 AM, Angle, Stephen <Angle.Stephen@epa.gov> wrote:

This Message Is From an External Sender

This message came from outside your organization.

<!--[if !((ie)|(mso))]>

This Message Is From an External Sender

This message came from outside your organization.

<!--[endif]>

Would 10am work? We typically use Microsoft Teams, but we can use Zoom if that works better for you.

Stephen Angle
Physical Scientist, Pesticides and Toxics Section
U.S. Environmental Protection Agency Region 6
(214) 665 - 7369

From: Schiffmacher, Karen <schiffmacher.karen@heb.com>
Sent: Tuesday, March 16, 2021 9:59 AM
To: Angle, Stephen <Angle.Stephen@epa.gov>
Subject: RE: Recent Inquiry

Absolutely. What time works for you? Would you like me to send a Zoom invite?

Karen Schiffmacher
Grocery Procurement
Cleaning and Laundry
Navy 3
210-938-8273

From: Angle, Stephen <Angle.Stephen@epa.gov>
Sent: Tuesday, March 16, 2021 9:54 AM
To: Schiffmacher, Karen <schiffmacher.karen@heb.com>
Subject: RE: Recent Inquiry

This Message Is From an External Sender

This message came from outside your organization.

Good morning Karen,

Would you have any availability this Friday morning for a call?

Thanks,

Stephen Angle
Physical Scientist, Pesticides and Toxics Section
U.S. Environmental Protection Agency Region 6
(214) 665 - 7369

From: Schiffmacher, Karen <schiffmacher.karen@heb.com>
Sent: Monday, March 15, 2021 9:43 AM
To: Angle, Stephen <Angle.Stephen@epa.gov>
Subject: Recent Inquiry

Good Morning Stephen. I am contacting you in regards to the below.

Case Comments: EPA Region 6 has concerns about the BioErase antimicrobial product listed for sale on the H-E-B website. At your earliest convenience, please email Angle.Stephen@epa.gov to set up a time to discuss further. Thank you.

Please let me know when you are available to discuss or you can reach me by cell at 210/386-7879.

Karen Schiffmacher
Grocery Procurement
Cleaning and Laundry
Navy 3
210-938-8273

Appointment

From: Schiffmacher, Karen [schiffmacher.karen@heb.com]
Sent: 3/16/2021 4:08:24 PM
To: Angle, Stephen [Angle.Stephen@epa.gov]

Subject: Bioerase

Start: 3/19/2021 3:00:00 PM
End: 3/19/2021 3:30:00 PM
Show Time As: Tentative

Recurrence: (none)

Microsoft Teams meeting

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Appointment

From: Pittman, Lawrence [Pittman.Lawrence@epa.gov]
Sent: 3/16/2021 4:19:31 PM
To: Schiffmacher, Karen [schiffmacher.karen@heb.com]
CC: Angle, Stephen [Angle.Stephen@epa.gov]

Subject: New Time Proposed: Bioerase

Start: 3/19/2021 3:00:00 PM
End: 3/19/2021 3:30:00 PM
Show Time As: Busy

Can we potentially change this meeting to 10:30 a.m.? I just got scheduled a 10:00 a.m. meeting that I cannot adjust.

Thanks!

Message

From: Pittman, Lawrence [Pittman.Lawrence@epa.gov]
Sent: 3/22/2021 7:37:37 PM
To: Murray, Suzanne [Suzanne.Murray@haynesboone.com]; Angle, Stephen [Angle.Stephen@epa.gov]
CC: Heath, Jennifer [heath.jennifer@heb.com]
Subject: RE: Follow-up on conference regarding Bioerase Surface Wipes

Good Afternoon Mrs. Murray,

Please take this email as a receipt of the correspondence concerning EPA's and H-E-B's conference call this past Friday March 19th, 2021.

As Bioerase surface wipes are an unregistered pesticidal product, we appreciate H-E-B's action to remove the product from HEB's shelves and website, until the product can be registered with the EPA pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a.

If there are any further questions or concerns please do not hesitate to contact Mr. Angle or myself.

Thank you!

Sincerely,

--

Lawrence Pittman
Assistant Regional Counsel, RCRA & Toxics Enforcement Branch
Office of Regional Counsel (ORC-ER)
U.S. Environmental Protection Agency, Region 6
1201 Elm St., Suite 500 (ORCER)
Dallas, TX 75270
(214) 665-8381
Pittman.Lawrence@epa.gov

From: Murray, Suzanne <Suzanne.Murray@haynesboone.com>
Sent: Monday, March 22, 2021 12:58 PM
To: Angle, Stephen <Angle.Stephen@epa.gov>; Pittman, Lawrence <Pittman.Lawrence@epa.gov>
Cc: Heath, Jennifer <heath.jennifer@heb.com>
Subject: Follow-up on conference regarding Bioerase Surface Wipes

Messrs. Angle and Pittman:

On March 19, 2021, EPA requested that H-E-B representatives participate in a conference call so that EPA could raise concerns it has with the public health claims made on the label of Bioerase surface wipes that were sold in H-E-B stores and identified on the H-E-B website. During that call, EPA informed H-E-B representatives that the product is not in compliance with the FIFRA requirements and is not exempt from those requirements. As a result, EPA notified H-E-B that the product must be removed from the marketplace. EPA then notified H-E-B that it was going to memorialize this finding in an Advisory Letter that would be sent to H-E-B within the next two weeks.

EPA also notified the H-E-B representatives that it had made initial notification of the non-compliance to Verataur and that it would be sending an Advisory Letter to it as well directing Verataur to remove the product from the marketplace.

Based upon this finding, H-E-B has begun the process of removing the product from our shelves and website. We will notify EPA when this process is complete.

Compliance is paramount at H-E-B, and we will act immediately. If you could reply to this email, so that we have documentation for our records to start the removal of the product from the marketplace, it would be much appreciated.

As always, please reach out with any questions that you may have.

Best,

Suzanne

haynesboone

Suzanne Beaudette Murray

Partner

suzanne.murray@haynesboone.com

Haynes and Boone, LLP

112 E. Pecan Street

Suite 1200

San Antonio, TX 78205-1524

(t) +1 210.978.7433

(f) +1 214.200.0710

[vCard](#) | [Bio](#) | [Website](#)

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Message

From: Pittman, Lawrence [Pittman.Lawrence@epa.gov]
Sent: 4/2/2021 3:59:16 PM
To: Angle, Stephen [Angle.Stephen@epa.gov]
Subject: RE: Call with Maverick Intl.

Lets do it!

Thanks for checking with me Stephen.

Lawrence Pittman
Assistant Regional Counsel, RCRA & Toxics Enforcement Branch
Office of Regional Counsel (ORC-ER)
U.S. Environmental Protection Agency, Region 6
1201 Elm St., Suite 500 (ORCER)
Dallas, TX 75270
(214) 665-8381
Pittman.Lawrence@epa.gov

From: Angle, Stephen <Angle.Stephen@epa.gov>
Sent: Friday, April 2, 2021 10:55 AM
To: Pittman, Lawrence <Pittman.Lawrence@epa.gov>
Subject: Call with Maverick Intl.

Hey Lawrence,

How does 9:30am next Thursday (the 8th) sound for a call with Maverick Intl.? Looked good on your calendar but wanted to make sure.

Thanks,

Stephen Angle
Physical Scientist, Pesticides and Toxics Section
U.S. Environmental Protection Agency Region 6
(214) 665 - 7369

Message

From: Pittman, Lawrence [Pittman.Lawrence@epa.gov]
Sent: 3/22/2021 7:23:40 PM
To: Angle, Stephen [Angle.Stephen@epa.gov]
Subject: RE: Follow-up on conference regarding Bioerase Surface Wipes
Attachments: HEB Advisory Letter.docx

I can follow up Stephen. Thanks for the email.

Please see the attached Advisory Letter for your review.

Thanks!

Sincerely,

--

Lawrence Pittman
Assistant Regional Counsel, RCRA & Toxics Enforcement Branch
Office of Regional Counsel (ORC-ER)
U.S. Environmental Protection Agency, Region 6
1201 Elm St., Suite 500 (ORCER)
Dallas, TX 75270
(214) 665-8381
Pittman.Lawrence@epa.gov

From: Angle, Stephen <Angle.Stephen@epa.gov>
Sent: Monday, March 22, 2021 1:45 PM
To: Pittman, Lawrence <Pittman.Lawrence@epa.gov>
Subject: FW: Follow-up on conference regarding Bioerase Surface Wipes

Hey Lawrence,

Did you want to send a receipt email, or would you like me to? I thought I'd ask because I wasn't sure if that's normally an attorney thing.

Thanks,

Stephen Angle
Physical Scientist, Pesticides and Toxics Section
U.S. Environmental Protection Agency Region 6
(214) 665 - 7369

From: Murray, Suzanne <Suzanne.Murray@haynesboone.com>
Sent: Monday, March 22, 2021 12:58 PM
To: Angle, Stephen <Angle.Stephen@epa.gov>; Pittman, Lawrence <Pittman.Lawrence@epa.gov>
Cc: Heath, Jennifer <heath.jennifer@heb.com>
Subject: Follow-up on conference regarding Bioerase Surface Wipes

Messrs. Angle and Pittman:

On March 19, 2021, EPA requested that H-E-B representatives participate in a conference call so that EPA could raise concerns it has with the public health claims made on the label of Bioerose surface wipes that were sold in H-E-B stores and identified on the H-E-B website. During that call, EPA informed H-E-B representatives that the product is not in compliance with the FIFRA requirements and is not exempt from those requirements. As a result, EPA notified H-E-B that the product must be removed from the marketplace. EPA then notified H-E-B that it was going to memorialize this finding in an Advisory Letter that would be sent to H-E-B within the next two weeks.

EPA also notified the H-E-B representatives that it had made initial notification of the non-compliance to Verataur and that it would be sending an Advisory Letter to it as well directing Verataur to remove the product from the marketplace.

Based upon this finding, H-E-B has begun the process of removing the product from our shelves and website. We will notify EPA when this process is complete.

Compliance is paramount at H-E-B, and we will act immediately. If you could reply to this email, so that we have documentation for our records to start the removal of the product from the marketplace, it would be much appreciated.

As always, please reach out with any questions that you may have.

Best,

Suzanne

haynesboone

Suzanne Beaudette Murray

Partner

suzanne.murray@haynesboone.com

Haynes and Boone, LLP

112 E. Pecan Street

Suite 1200

San Antonio, TX 78205-1524

(t) +1 210.978.7433

(f) +1 214.200.0710

[vCard](#) | [Bio](#) | [Website](#)

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Message

From: Jerry Nelson [Jerry.Nelson@mavint.com]
Sent: 4/6/2021 10:09:08 PM
To: Angle, Stephen [Angle.Stephen@epa.gov]
Subject: RE: EPA Region 6 Meeting Request

That is fine.
You can call my office I will be in there all day.

Jerry Nelson, Jr.
Maverick International, LTD
1650 Brockman Rd.
Beaumont, TX 77705 USA

800-541-6090
409-833-7878
409-833-3123 –fax

<https://www.youtube.com/watch?v=ObDybIRQ4rE>

Anti-Dumping Clause / Trade Expansion Act

In the event that the President of the United States of America, as a result of the US Department of Commerce recommendations: (i) imposes new steel and/or aluminum imports tariffs; (ii) increases existing steel and/or aluminum imports tariffs; (iii) imposes new quota on steel and/or aluminum products or (iv) increases existing quotas on steel and/or aluminum products, or in the event of any other trade sanctions or restriction such as anti-dumping, countervailing duties, Section 201,301, etc. and in the event that such legal action may restrict shipment or cause price changes affecting the products directly or indirectly quoted hereunder or to be supplied under Agreement, Maverick International,Ltd. reserves the right at its option to renegotiate the price offered or withdraw from the Agreement at no additional cost. In case Maverick International,Ltd . elects to renegotiate the price, Maverick will have the right to pass through any margins/tariffs levied on products to the customer in full. In case Maverick . elects to terminate the Agreement, the customer will not be entitled to any lost profit, lost revenue, lost business opportunity, or any incidental, indirect, economic, consequential, or other damages. The change in price will stay in effect as long as said tariffs are in place.

Jerry.Nelson@MavInt.com. All sales by maverick are governed by Maverick terms and conditions
Found a www.mavint.com

From: Angle, Stephen [mailto:Angle.Stephen@epa.gov]
Sent: Tuesday, April 6, 2021 5:08 PM
To: Jerry Nelson
Subject: RE: EPA Region 6 Meeting Request

Jerry,

How does 3:30pm tomorrow sound for a call?

Thanks,

Stephen Angle

Physical Scientist, Pesticides and Toxics Section
U.S. Environmental Protection Agency Region 6
(214) 665 - 7369

From: Jerry Nelson <Jerry.Nelson@mavint.com>
Sent: Monday, April 5, 2021 8:50 AM
To: Angle, Stephen <Angle.Stephen@epa.gov>
Subject: RE: EPA Region 6 Meeting Request

Stephen,
Again I appears I will be out of the office Thursday and Friday of this week.
If you wish, you can call me anytime Mondayk, Tuesday, or Wednesday.
I will be in the office all three days.

Jerry Nelson, Jr.
Maverick International, LTD
1650 Brockman Rd.
Beaumont, TX 77705 USA

800-541-6090
409-833-7878
409-833-3123 –fax

<https://www.youtube.com/watch?v=ObDyblRQ4rE>

Anti-Dumping Clause / Trade Expansion Act

In the event that the President of the United States of America, as a result of the US Department of Commerce recommendations: (i) imposes new steel and/or aluminum imports tariffs; (ii) increases existing steel and/or aluminum imports tariffs; (iii) imposes new quota on steel and/or aluminum products or (iv) increases existing quotas on steel and/or aluminum products, or in the event of any other trade sanctions or restriction such as anti-dumping, countervailing duties, Section 201,301, etc. and in the event that such legal action may restrict shipment or cause price changes affecting the products directly or indirectly quoted hereunder or to be supplied under Agreement, Maverick International,Ltd. reserves the right at its option to renegotiate the price offered or withdraw from the Agreement at no additional cost. In case Maverick International,Ltd . elects to renegotiate the price, Maverick will have the right to pass through any margins/tariffs levied on products to the customer in full. In case Maverick . elects to terminate the Agreement, the customer will not be entitled to any lost profit, lost revenue, lost business opportunity, or any incidental, indirect, economic, consequential, or other damages. The change in price will stay in effect as long as said tariffs are in place.

Jerry.Nelson@MavInt.com. All sales by maverick are governed by Maverick terms and conditions
Found a www.mavint.com

From: Angle, Stephen [<mailto:Angle.Stephen@epa.gov>]
Sent: Friday, April 2, 2021 11:13 AM
To: Jerry Nelson
Subject: EPA Region 6 Meeting Request

Good morning,

EPA Region 6 would like to schedule a call with you regarding the BioErase products listed on the Maverick International Ltd. website. The call should not take more than 30 minutes. Would you have availability next Thursday, April 8, at 2:30 CST?

Thank you,

Stephen Angle
Physical Scientist, Pesticides and Toxics Section
U.S. Environmental Protection Agency Region 6
(214) 665 - 7369

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Appointment

From: Pittman, Lawrence [Pittman.Lawrence@epa.gov]
Sent: 4/7/2021 1:45:29 PM
To: Angle, Stephen [Angle.Stephen@epa.gov]
Subject: Accepted: Call with Maverick
Start: 4/7/2021 8:30:00 PM
End: 4/7/2021 9:00:00 PM
Show Time As: Busy

Message

From: McPherson, Kenneth [McPherson.Kenneth@epa.gov]
Sent: 1/20/2021 6:08:56 PM
To: McMillan, Lee [mcmillan.lee@epa.gov]
CC: Stuckey, Troy [Stuckey.Troy@epa.gov]; Angle, Stephen [Angle.Stephen@epa.gov]; Pittman, Lawrence [Pittman.Lawrence@epa.gov]
Subject: Two New Cases (associated with Verataur 2020-0186)

Lee, can you create two additional case files associated with the Verataur (2020-0186) case and assign project officers to them. The first is HEB and the second is Maverick International. Both sold and distributed the unregistered pesticide Bioerase which was produced by Verataur. Recommend transferring details/summary from Verataur as well as any associated files. Ken

Kenneth R. McPherson

Regional Coordinator, Integrated Pest Management
US EPA Region 6 (Southcentral)
1201 Elm Street, Suite 500 | Dallas, TX 75270-2102 | 214.665.6754

Message

From: McPherson, Kenneth [McPherson.Kenneth@epa.gov]
Sent: 4/8/2021 12:47:22 PM
To: Angle, Stephen [Angle.Stephen@epa.gov]
Subject: Brief Call

Stephen, give me a call when you sign in this morning for a very brief call on you Maverick case. Thanks, Ken

Kenneth R. McPherson

Regional Coordinator, Integrated Pest Management
US EPA Region 6 (Southcentral)
1201 Elm Street, Suite 500 | Dallas, TX 75270-2102 | 214.665.6754

Message

From: Lusчек, Robert [Lusчек.Robert@epa.gov]
Sent: 4/20/2021 9:16:59 PM
To: Hubbard, Joseph [Hubbard.Joseph@epa.gov]
CC: Durant, Jennah [Durant.Jennah@epa.gov]; Stuckey, Troy [Stuckey.Troy@epa.gov]; Angle, Stephen [Angle.Stephen@epa.gov]; Pittman, Lawrence [Pittman.Lawrence@epa.gov]; McPherson, Kenneth [McPherson.Kenneth@epa.gov]
Subject: RE: Media Inquiry: San Antonio Express-News, Bioerose antimicrobial surface wipes, DL: ASAP
Attachments: HEB Advisory Letter.pdf

Hi Joe –

This issue would probably be better handled by ECAD and ORC, so I'm copying Troy and Lawrence on this email. My staff (Stephen and Ken) are supporting ECAD on COVID related pesticide/disinfectant cases.

The attached Notice of Advisory was sent to the company.

Troy or Lawrence – can the Advisory Letter (or the contents of it) be shared with the reporter and do you all have anything to add/clarify?

Thanks!

Rob Lusчек
Chief, Pesticides and Toxics Section
U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500 (LCRPT)
Dallas, TX 75270
214-665-7148 (office)
469-578-8798 (cell)

From: Hubbard, Joseph <Hubbard.Joseph@epa.gov>
Sent: Tuesday, April 20, 2021 3:23 PM
To: Lusчек, Robert <Lusчек.Robert@epa.gov>
Cc: Durant, Jennah <Durant.Jennah@epa.gov>
Subject: Media Inquiry: San Antonio Express-News, Bioerose antimicrobial surface wipes, DL: ASAP
Importance: High

Hi Robert,

We have a reporter with San Antonio Express that has questions about us directing H-E-B to remove bioerose from the stores. Can you assist? The reporter is writing a story today.

Inquiry

I'm trying to confirm whether the EPA directed a Texas-based grocer, H-E-B, to remove Bioerose products from shelves within 30 days. If so, can you confirm the reason why H-E-B was instructed to remove the product? Also, is Bioerose in violation of the Federal Insecticide, Fungicide and Rodenticide Act? If so, can you please explain why? (I'm writing for a general audience, so I don't want to get too technical in the explanations.) I'm writing an article today on Bioerose, so I'd be obliged if you could get back with me as soon as possible.

Best,

Joe Hubbard
U.S. Environmental Protection Agency

OFFICE: 214-665-8476
Hubbard.joseph@epa.gov

OECA believes this is best handled by region 6, since you are closer to the issue. Please let me know if you have questions

Best,

Cathy

Good morning.

My name is Patrick Danner and I'm a reporter in Texas with the San Antonio Express-News. I'm writing about Bioerase antimicrobial surface wipes.

I'm trying to confirm whether the EPA directed a Texas-based grocer, H-E-B, to remove Bioerase products from shelves within 30 days. If so, can you confirm the reason why H-E-B was instructed to remove the product?

Also, Is Bioerase in violation of the Federal Insecticide, Fungicide and Rodenticide Act? If so, can you please explain why? (I'm writing for a general audience, so I don't want to get too technical in the explanations.)

I'm writing an article today on Bioerase, so I'd be obliged if you could get back with me as soon as possible.

My direct line is 210.250.3311.

Thank you.

Regards,
Patrick Danner

Patrick Danner
Business writer
San Antonio Express-News
p: 210.250.3311 f: 210.250.3232
pdanner@express-news.net
[@AlamoPD](#)

<image001.gif>

ExpressNews.com | mySA.com
[iPad® iPhone® App](#) | playSA.com

Message

From: McPherson, Kenneth [McPherson.Kenneth@epa.gov]
Sent: 5/18/2021 12:39:25 PM
To: McMillan, Lee [mcmillan.lee@epa.gov]; Angle, Stephen [Angle.Stephen@epa.gov]; Mullenix, Justin [Mullenix.Justin@epa.gov]
Subject: RE: BioErase / Maverick International FOIA

Justin, I will not be able to attend, but all my emails are saved in a specific folder in outlook. Have you included Lawrence for this meeting? Not sure what he has, but some of the attorney's tend to have and/or work documents outside of the case folder. Ken

Kenneth R. McPherson

Regional Coordinator, Integrated Pest Management
US EPA Region 6 (Southcentral)
1201 Elm Street, Suite 500 | Dallas, TX 75270-2102 | 214.665.6754

From: McMillan, Lee <mcmillan.lee@epa.gov>
Sent: Tuesday, May 18, 2021 6:00 AM
To: Angle, Stephen <Angle.Stephen@epa.gov>; Mullenix, Justin <Mullenix.Justin@epa.gov>
Cc: McPherson, Kenneth <McPherson.Kenneth@epa.gov>
Subject: RE: BioErase / Maverick International FOIA

Thursday works.

Lee V. McMillan
U.S. EPA - Region 6
Dallas, TX 75270-2162
PH: (214) 665-6404
Email: mcmillan.lee@epa.gov

From: Angle, Stephen <Angle.Stephen@epa.gov>
Sent: Monday, May 17, 2021 05:36 PM
To: Mullenix, Justin <Mullenix.Justin@epa.gov>; McMillan, Lee <mcmillan.lee@epa.gov>
Cc: McPherson, Kenneth <McPherson.Kenneth@epa.gov>
Subject: RE: BioErase / Maverick International FOIA

Hello all,

Thursday or Friday of this week should work well for me.

Thanks,

Stephen Angle
Physical Scientist, Pesticides and Toxics Section
U.S. Environmental Protection Agency Region 6
(214) 665 - 7369

From: Mullenix, Justin <Mullenix.Justin@epa.gov>
Sent: Friday, May 14, 2021 2:14 PM

To: Angle, Stephen <Angle.Stephen@epa.gov>; McMillan, Lee <mcmillan.lee@epa.gov>

Cc: McPherson, Kenneth <McPherson.Kenneth@epa.gov>

Subject: BioErase / Maverick International FOIA

Hey Stephen and Lee,

There is a FOIA request for all records associated with "BioErase or Maverick International". We need to coordinate the consolidation of records related to these matters so that they can be shared with the FOIA office. I have records related to Maverick International, but you will need to provide HEB and Verataur. Let's set up a call sometime next week if possible to coordinate this. Thanks!

Justin

Justin Mullenix
US EPA Region 6
(214) 665-7173
mullenix.justin@epa.gov

Appointment

From: Schiffmacher, Karen [schiffmacher.karen@heb.com]
Sent: 3/16/2021 6:36:32 PM
To: Schiffmacher, Karen [schiffmacher.karen@heb.com]; Angle, Stephen [Angle.Stephen@epa.gov]
CC: Pittman, Lawrence [Pittman.Lawrence@epa.gov]

Subject: Bioerase

Start: 3/19/2021 3:30:00 PM
End: 3/19/2021 4:00:00 PM
Show Time As: Busy

Recurrence: (none)

Microsoft Teams meeting

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Appointment

From: Angle, Stephen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5c42e80d26f24e60ba0eaf4d2b1605a8-Angle, Step]
Sent: 4/7/2021 1:44:52 PM
To: Pittman, Lawrence [Pittman.Lawrence@epa.gov]

Subject: Call with Maverick

Start: 4/7/2021 8:30:00 PM
End: 4/7/2021 9:00:00 PM
Show Time As: Busy

Required Attendees: Pittman, Lawrence

Placeholder for the call. I will call you first, then call respondent and merge the calls

Message

From: Pittman, Lawrence [Pittman.Lawrence@epa.gov]
Sent: 4/7/2021 1:43:36 PM
To: Angle, Stephen [Angle.Stephen@epa.gov]

Stephen may you please send me the Meeting Invitation for Maverick today? Is it a Microsoft Teams Meeting?

Appointment

From: Schiffmacher, Karen [schiffmacher.karen@heb.com]
Sent: 3/16/2021 4:09:26 PM
To: Schiffmacher, Karen [schiffmacher.karen@heb.com]; Angle, Stephen [Angle.Stephen@epa.gov]
CC: Pittman, Lawrence [Pittman.Lawrence@epa.gov]

Subject: Bioerase

Start: 3/19/2021 3:30:00 PM
End: 3/19/2021 4:00:00 PM
Show Time As: Tentative

Recurrence: (none)

Microsoft Teams meeting

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Appointment

From: Schiffmacher, Karen [schiffmacher.karen@heb.com]
Sent: 3/16/2021 6:36:32 PM
To: Angle, Stephen [Angle.Stephen@epa.gov]
CC: Pittman, Lawrence [Pittman.Lawrence@epa.gov]

Subject: Bioerase

Start: 3/19/2021 3:30:00 PM
End: 3/19/2021 4:00:00 PM
Show Time As: Tentative

Recurrence: (none)

Appointment

From: Schiffmacher, Karen [schiffmacher.karen@heb.com]
Sent: 3/16/2021 4:09:26 PM
To: Schiffmacher, Karen [schiffmacher.karen@heb.com]; Angle, Stephen [Angle.Stephen@epa.gov]
Subject: Bioerase
Start: 3/19/2021 3:00:00 PM
End: 3/19/2021 3:30:00 PM
Show Time As: Busy

Recurrence: (none)

Microsoft Teams meeting

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